

**Commonwealth of Massachusetts
Department of Criminal Justice Information Services**

**User Agreement for the
Electronic Submission of Civil Fingerprints to the
Massachusetts State Police State Identification Section**

This Agreement is entered into by the agencies identified on the signatory page below for the sole purpose of allowing the Law Enforcement Agency to submit civil fingerprints electronically to the Massachusetts State Police (MSP) State Identification Section (SIS) via the Department of Criminal Justice Information Services' (DCJIS) CJIS network.

The MSP SIS and the DCJIS agree to allow the Law Enforcement Agency to submit fingerprints taken for authorized civil background check purposes to the SIS via the CJIS network using the Law Enforcement Agency's live-scan fingerprinting device. The SIS and the DCJIS also agree to return civil fingerprint background check results electronically to the Law Enforcement Agency via the SIS' AFIS-R application when possible.

The Law Enforcement Agency agrees to:

1. Submit its civil fingerprint background check requests to the SIS via its live-scan device, according to the policies and procedures established by the DCJIS and the SIS.
2. Not submit applicant records, background checks, and reasons fingerprinted not specifically authorized by the DCJIS and the SIS.
3. Maintain and operate the live scan system according to the policies and procedures established by the SIS and/or the DCJIS.

Authorized/Approved Reasons to submit applicant prints from the live scan device to the State Identification Section and the FBI.

1. **BYLAWS MGL CHAPTER 6 SECTION 172B1/2:** An Agency specifically authorized by the SIS and the DCJIS after passing a bylaw or ordinance under MGL Chapter 6, s. 172B1/2 shall:
 - a. Use the NFUF (Non Federal User Fee Required) live scan transaction to submit fingerprints for a background check.
 - b. the Reason Fingerprinted field must read:
BYLAWS MGL CHAPTER 6 SECTION 172B1/2
 - c. submit a check in the amount of \$30 for EACH bylaw/ordinance civil fingerprint background check request to the DCJIS at the following address:

Initials: _____

Massachusetts Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200
Chelsea, MA 02150
ATTN: Civil Fingerprint Processing

IMPORTANT: The Law Enforcement Agency may submit individual checks for each civil fingerprint submission or may submit a single check for the total number of prints submitted. Checks must be made payable to the Commonwealth of Massachusetts and must be mailed within 2 business days of the electronic fingerprint submission. **The SIS reserves the right to deactivate an agency for failure to submit payment as required.**

2. MGL Chapter 140: Firearms Licensing

- a. Use the NFUF (Non Federal User Fee Required) live scan transaction to submit fingerprints for a background check.
- b. the Reason fingerprint field must be: **FIREARMS LICENSING**
- c. The submitting agency will be invoiced for EACH submission on a quarterly basis.

3. Law Enforcement Agencies for agency employment:

- a. use the MAP (Miscellaneous Applicant) live scan transaction
- b. Reason fingerprinted must be one of the following:
 - CJIS CERTIFICATION (used for an authorized individual who requires or has access to criminal justice information (CJI) via the CJIS system.
 - CRIMINAL JUSTICE EMPLOYMENT (civil law enforcement employee)
 - LAW ENFORCEMENT EMPLOYEMENT (police officers etc.)
- c. There is no fee for these submissions

In addition to the above general policies and procedures, the municipality/agency must also adhere to the following specific policies:

1. Prior to taking fingerprints, the agency **MUST** advise the applicant that the prints will be forwarded to the State and FBI for state and national background checks and may be retained.
2. The agency/licensing authority shall use fingerprint-based state and national criminal history records solely for screening applicants for the reason requested and approved by the FBI and for no other purpose.

Initials: _____

3. Fingerprint-based state and national criminal history records cannot be disseminated outside the municipality/agency except to the person to whom the record pertains and to authorized law enforcement officials.
4. Agency officials responsible for determining suitability for licensing must provide the applicant with the opportunity to challenge the accuracy or completeness of the criminal history.
5. Agency officials must advise the applicant of the procedures to change, correct, or update a criminal record. Information regarding these procedures is available at mass.gov/cjis.
6. Agency officials should not deny a license to an applicant based on information in a criminal record until the applicant has been afforded a reasonable amount of time to correct or complete the information, or has declined to do so.
7. Licensing authorities are also subject to the requirements of 803 CMR 2.00 *et seq.* and, before taking adverse action against a license applicant based on the applicant's criminal record, must comply with the requirements of 803 CMR 2.19 - 2.20.
8. Police departments and authorized municipal recipients shall store all criminal history record information received from the state and/or FBI for municipal licensing background check purposes in a secure location as defined in the FBI CJIS Security Policy. Police departments shall restrict access to areas in which the information is processed and handled to authorized personnel in the performance of their duties. Recipients of fingerprint-based state and national criminal history information must provide a secure area, out of the view of the public and unauthorized personnel, for the handling and retention of the information.
9. When fingerprint-based state and national criminal history information is no longer needed, the licensing authority is responsible for its destruction. It shall be destroyed by burning, shredding, or other method rendering the information unreadable.
10. All entities that obtain or use fingerprint-based state and/or national criminal history to screen municipal occupational licensing applicants are subject to audit by the DCJIS and the FBI.

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Signatory Page

Law Enforcement Agency

Agency Name

Chief/Agency Head Name

Chief/Agency Head Signature

Date

Massachusetts State Police State Identification Section

Captain Deborah A. Rebeiro
Commanding Officer

Commanding Officer Signature

Date

Massachusetts Department of Criminal Justice Information Services

James F. Slater, III
Commissioner

Commissioner Signature

Date

Return Signed Agreement To:

Massachusetts Department of Criminal Justice Information Services
ATTN: Commissioner's Office
200 Arlington Street, Suite 2200
Chelsea, MA 02150

IMPORTANT: The first three pages of this Agreement must be initialed and returned to the DCJIS along with the Signatory Page.